

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HICHAM AZKOUR,

Plaintiff,

-v-

LITTLE REST TWELVE,

Defendant.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4-1-15

No. 10-cv-4132 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of numerous letters from Plaintiff requesting that the Court order the satisfaction of the Judgment (Doc. No. 318) in the amount of \$20,128.32 or compel damages-related discovery relating to Defendant's assets. (*See* Doc. Nos. 322, 327, 329, 331, 333, 334.) The Court is also in receipt of the attached letter from Defendant, dated March 26, 2015, requesting that "in lieu of posting an appeal bond defendant be allowed to deposit 111% (\$22,343.00) of the judgment amount in the Court Registry," and a second letter from Defendant, dated March 27, 2015, asserting that because a new trial – at which the entire damages award could be obviated – may be necessary if Plaintiff prevails on appeal, the Court should stay execution of the Judgment (Doc. No. 332). The Court notes that while Plaintiff filed a notice of appeal on February 17, 2015 (Doc. No. 319), Defendant has not filed any notice of appeal and its time to do so has passed.

Defendant has offered no support for the proposition that an appellee may obtain a stay of the judgment pending appeal when the appellee did not itself appeal the judgment, and the Court is not aware of any. Indeed, Federal Rule of Civil Procedure 62(d) – the provision of the Federal Rules pertaining to staying the enforcement of a judgment pending appeal – specifies that "the

*appellant* may obtain a stay by supersedeas bond.” Fed. R. Civ. P. 62(d) (emphasis added).

There is no dispute that Defendant is not an appellant here. Accordingly, IT IS HEREBY ORDERED THAT Defendant’s motion for a stay of the Judgment pending appeal – whether through appeal bond or through a deposit in the Court Registry – is DENIED.

SO ORDERED.

Dated: April 1, 2015  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

A copy of this Order has been sent to:

Hicham.azkour@gmail.com